(4) SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO.887 OF 2006

PETITIONER

M. D.Sonkevare,S/o Shri P.D. Sonkevare , aged 33 years Assistant Engineer (Suspended) Office of the Superintending Engineer, Public Works Department, Durg Tahsil & District Durg,(Chhattisgarh)

P.R. No. 956b6
Presented by Shri Saurabh Sharma
dated 21/2/06

V E R S U S

RESPONDENTS

1. State of Chhattisgarh through Secretary, Public Works Department, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
2. Under Secretary, Public Works Department, Govt.of Chhattisgarh, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)
3. Chief Engineer, Public Works Department, Govt. of Chhattisgarh Raipur
4. Superintending Engineer, Public Works Department, Durg Division, Durg, Distt. Durg (Chhattisgarh)
5. Executive Engineer (B & R), Public Works Department, Khairagarh Division, Khairagarh,Dist.Rajnandgaon (Chhattisgarh)

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21/2/06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

The petitioner, above-named, most respectfully begs to submit as under:

XI-HC-22

(61)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No. 886/06

मामला क्रमांक ..... सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2-3-2006

Shri Sanjay K. Agrawal, counsel for the petitioner.

Shri G. K. Beriwal, Dy. Adv. General for the State.

Heard.

The petitioner has filed this petition under Article 226/227 of the Constitution of India for quashing the Departmental Enquiry and charge sheet issued on 7-12-2005 and order of suspension dated 16-9-2005.

Counsel for the petitioner submitted that the petitioner was appointed as Sub Engineer in the Public Works Department vide order dated 23-1996 by the erstwhile State Government and he has been allocated to the State of Chhattisgarh after reorganization. He further submitted that power of taking disciplinary action under the rules vests in the State Government. He also submitted that Departmental Enquiry has been instituted by the respondent no. 2. He further submitted that the respondent no. 2 has no jurisdiction to initiate any Departmental Enquiry against the petitioner whose appointing and disciplinary authority is State Government. He relied on the decision of Hon'ble Supreme Court in the case of Inspector General of Police and another –v- Thavasiappan [(1996) 2 SCC 145] and Steel Authority of India –v- R.K. Diwakar [(1997) 11 SCC 17].

Learned counsel for the parties submit that for the present the petitioner may be given an opportunity of filing a detailed representation to the competent authority of the respondents, which shall be considered on its own merits in accordance with law.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be

[पीछे देखिये

XI-HC-22

(62)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 886/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents alongwith a copy of the petition and this order within two weeks from today and on such a representation being filed the same shall be considered and decided by the competent authority of the respondents on its own merits in accordance with law as early as possible preferably within six weeks from the date of production of the representation. If required the petitioner may also be heard. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law.

With the aforesaid observations, this petition stands disposed of.

Consequently, M.W.P.No. 693/06 and I.A. No. 2272/06 also stand disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

[पीछे देखिये